

## **REMARKS**

This paper is presented in response to the Office Action. By this paper claims 1, 10, 15, 19-24, 26, 31, and 34-59 are canceled, claims 2, 5, 11-14, 16, 25, 27-30, 32, and 33 are amended, and new claims 60-65 are added. As such, claims 2-9, 11-14, 16-18, 25, 27-30, 32, 33, and 60-65 are now pending in the current application.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Inasmuch as this paper does not touch the merits of the application, but instead simply cancels various rejected claims, sets forth claim amendments that the Examiner has suggested would put the claims in allowable condition, and adds new claims that depend from those allowable claims, entry of this amendment is proper under 37 C.F.R. § 1.116.

### **I. General Considerations**

Applicant notes that the remarks and amendments set forth herein are not intended to constitute, and should not be construed as an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

### **II. Rejection of Claims 1, 10, 13-15, 19, 20, 23, 24, 26 and 29-31 under 35 U.S.C. § 103**

The Examiner has rejected claims 1, 10, 13, 15, 19, 20, 23, 24, 26, 29 and 31 under 35 U.S.C. § 103(a) as being unpatentable over the "admitted prior art" (the "APA") in view of U.S. Patent No. 6,373,611 to Farhan et al. ("*Farhan*"). The Examiner has rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over the APA in view of *Farhan*, and further in view of U.S. Patent No. 5,036,315 to Gurley ("*Gurley*"). The Examiner has rejected claims 14 and 30 under 35 U.S.C. § 103(a) as being unpatentable over the APA in view of *Farhan*, and further in view of U.S. Patent No. 4,862,392 to Steiner ("*Steiner*"). Applicant disagrees with the contentions of the Examiner, but submits that in view of the claim amendments and cancellations made herein, the rejection should be withdrawn.

**a. Claims 1, 10, 15, 19, 20, 23, 24, 26, and 31**

In view of the cancellation of claims 1, 10, 15, 19, 20, 23, 24, 26 and 31 herein, Applicant respectfully submits that the rejection of those claims has been rendered moot and should accordingly be withdrawn.

**b. Claims 13, 14, 29, and 30**

Claims 13, 14, 29 and 30 have been amended herein to variously depend from claims 2 and 25, indicated by the Examiner to contain allowable subject matter. By virtue of their dependence, Applicant submits that each of claims 13, 14, 29 and 30 are also directed to allowable subject matter. Accordingly, Applicant respectfully submits that the rejection of claims 13, 14, 29 and 30 should be withdrawn.

**III. Allowable Subject Matter**

The Examiner has indicated that claims 2-9, 11, 12, 16-18, 25, 27, 28, 32, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has herein:

- amended claims 2 and 5 to incorporate the limitations of claim 1, from which claims 2 and 5 previously depended;
- amended claims 11 and 12 to incorporate the limitations of claims 1 and 10, from which claims 11 and 12 previously depended;
- amended claim 25 to incorporate the limitations of claims 23 and 24, from which claim 25 previously depended;
- amended claim 27 to incorporate the limitations of claims 23 and 26, from which claim 27 previously depended;
- amended claim 28 to incorporate the limitations of claim 23, from which claim 28 previously depended;
- amended claim 32 to incorporate the limitations of claim 31, from which claim 32 previously depended.

As such, Applicant respectfully submits that amended claims 2, 5, 11, 12, 27, 28, and 32 are now in condition for allowance. For at least the same reason(s), claims 3, 4, 6-9, 13, 14, 29, 30 and new claims 60-65, each of which depends from one of claims 2, 5, 11, 12, 25, 27, 28, and 32, are believed to be in condition for allowance as well.

Furthermore, Applicant has herein:

- amended claim 16 to incorporate most of the limitations of claim 15, from which claim 16 previously depended;
- amended claim 25 to incorporate most of the limitations of claims 23 and 24, from which claim 25 previously depended;
- amended claim 33 to incorporate most of the limitations of claim 31, from which claim 33 previously depended.

Specifically, claim 16 has herein been amended to incorporate all of the limitations of claim 15 *except* for “an output clock generator having a second clock oscillator for generating an output clock,” and the optical transmitter configured to transmit a serialized optical data signal over an optical fiber “at a rate determined by the output clock.” Claims 25 and 33 have herein been amended to incorporate all of the limitations of claims 23 and 31, respectively, *except* for “generating an output clock having an associated output rate” and converting the combined data stream into a serialized optical data signal for transmission over an optical fiber “at the output rate associated with the output clock.”

Applicant notes that claims 16, 25, and 33 were deemed by the Examiner to be allowable in a prior Office Action dated June 2, 2006 (the “prior Office Action”) if rewritten in independent form including all of the limitations of the base claim and any intervening claims as pending in the prior Office Action. The aforementioned limitations were not included in the claims as those claims were written at the time of the prior Office Action. As such, claims 16, 25 and 33 were deemed allowable in the prior Office Action without including the aforementioned limitations. The Examiner indicated during a telephone conversation held between Scott A. Woodbury (Reg. No. 55,743) and the Examiner on January 29, 2007, that amending claims 16, 25 and 33 to incorporate all of the limitations of the claims from which claims 16, 25 and 33 depended except the specific limitations noted above, would place claims 16, 25 and 33 in allowable condition. As such, Applicant respectfully submits that amended claims 16, 25 and 33 are also now in condition for allowance. For at least the same reason(s), claims 17 and 18, which depend from claim 16, are believed to be in condition for allowance as well.

#### **IV. New Dependent Claims 60-65**

By this paper, new dependent claims 60-65 are added. Support for claims 60-65 can be found in previous claims 13 and 14. Claims 60 and 61 depend from claim 5, claims 62 and 63 depend from claim 11, and claims 64 and 65 depend from claim 12. Inasmuch as claims 5, 11 and 12 have been indicated by

the Examiner to be in allowable condition when rewritten in independent form, new claims 60-65 are believed to be in allowable condition as well.

**V. Incorrect Attorney Docket No.**

Applicant respectfully notes that the Office Action incorrectly references Attorney Docket No. “9775-0040-999.” Pursuant to the Change of Attorney Docket Number filed in this case on September 24, 2003, the correct docket number for this case is 15436.253.24.1. Applicant thus respectfully requests that all applicable USPTO records be updated accordingly, and Applicant further requests that all further communications from the USPTO reference docket number 15436.253.24.1.

### **CONCLUSION**

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 2-9, 11-14, 16-18, 25, 27-30, 32, 33 and 60-65 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 30th day of January 2007.

Respectfully submitted,

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